

Appl. No.: 09/827,196
Response dated October 7, 2003
Office Action 7/703

REMARKS

Applicant has cancelled claims 1-22 and has added claims 23-44. The number of claims has not changed, as such, no fees are due based on the claim amendments.

Claim Rejections Section 112, first paragraph

The Action rejects the claims under Section 112, first paragraph for containing subject matter that is not in the specification to enable a skilled artisan to make and use the invention. Applicant has cancelled all the claims and presents herewith new claims that are believed to overcome this rejection.

Claim Rejections Section 112, second paragraph

The Action rejects the claims 1-22 under Section 112, second paragraph for being indefinite because the "meaning of 'structural fillers' is not known." Applicant has cancelled all the claims and presents herewith new claims that are believed to overcome this rejection. The Applicant believes that all pending claims are therefore allowable and Applicants respectfully request withdrawal of all pending rejections.

Claim Rejections Sections 102/103

The Action rejects claims 1-22 under 35 U.S.C. § 102 and/or obvious under 35 U.S.C. § 103, over Szukiewicz 2,902,388; Stark, et al. 5,021,537; von Bonin 5,374,448 or Toray Ind. JP-9-302239 in view of Ikemoto, et al. 5,392,344. The applicant thanks the examiner for the translation of the Toray application. The applicant has added new claims that he believes overcome all outstanding rejections. The Toray art cited is used to cover cement and is not used, in combination with the cement, to provide a moisture curable grout, as stated in the art cited, the subject of the invention is as a "surface-preparation material." (Toray, page 2/16 - 3/26). The Applicant believes that all pending claims are therefore allowable and Applicants respectfully request withdrawal of all pending rejections.

Appl. No.: 09/827,196
Response dated October 7, 2003
Office Action 7/703

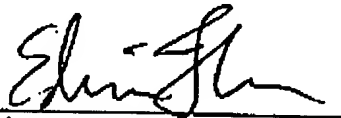
No additional claims' fees are believed to be due as a result of the addition of the new claims or this Response. The Examiner is invited to telephone the undersigned at the telephone number listed below if he or she has any questions or suggested amendments to the claims.

Dated this October 7, 2003.

Respectfully submitted,

CHALKER FLORES, LLP

By:



Edwin S. Flores
Attorney for Applicant
Registration No.: 38,453

RECEIVED
CENTRAL FAX CENTER
OCT 08 2003

OFFICIAL

Chalker Flores, LLP
Client No. 34,725
12700 Park Central, Ste. 455
Dallas, TX 75251
(214) 866 0001 Tel
(214) 866 0010 Fax